



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1820

Introduced 2/15/2013, by Sen. Darin M. LaHood

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Horse Racing Act of 1975, the Riverboat Gambling Act, and the Income Withholding for Support Act. Provides that an organization licensee under the Illinois Horse Racing Act of 1975 shall withhold moneys from winning wagers and winnings from wagers placed upon races conducted by that organization licensee as provided in the Income Withholding for Support Act; imposes a similar duty on a licensed owner under the Riverboat Gambling Act with respect to winnings on games. Provides that if a licensed owner fails to withhold as required, the owner's license is not renewable upon its expiration, but the owner must instead apply for a new license. Provides that the Department of Healthcare and Family Services shall provide to each licensee under the Illinois Horse Racing Act of 1975 and each licensed owner under the Riverboat Gambling Act information concerning individuals who are identified in the State Case Registry of child support orders and who have been determined to be delinquent in child support. Provides for: the obligations of an organization licensee or licensed owner; notice to the obligor; priority of claims; administrative appeals; enforcement; and immunity. Amends the Fish and Aquatic Life Code, the Wildlife Code, and the Non-Support Punishment Act to provide for the suspension, revocation, denial, or renewal refusal of hunting or fishing licenses in cases where a hunting or fishing licensee or potential licensee is delinquent in the payment of child support. Provides that the Department may, however, issue or renew a license or stamp if the person has established a satisfactory repayment record or is determined by the court to be in compliance with the Non-Support Punishment Act.

LRB098 08441 HEP 38548 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning support.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Horse Racing Act of 1975 is amended
5 by adding Section 27.2 as follows:

6 (230 ILCS 5/27.2 new)

7 Sec. 27.2. Withholding for support from winning wagers or
8 winnings from wagers. An organization licensee shall withhold
9 moneys from winning wagers and winnings from wagers placed upon
10 races conducted by that organization licensee as provided in
11 Section 56 of the Income Withholding for Support Act.

12 Section 10. The Riverboat Gambling Act is amended by
13 changing Section 7 and by adding Section 13.05 as follows:

14 (230 ILCS 10/7) (from Ch. 120, par. 2407)

15 Sec. 7. Owners Licenses.

16 (a) The Board shall issue owners licenses to persons, firms
17 or corporations which apply for such licenses upon payment to
18 the Board of the non-refundable license fee set by the Board,
19 upon payment of a \$25,000 license fee for the first year of
20 operation and a \$5,000 license fee for each succeeding year and
21 upon a determination by the Board that the applicant is

1 eligible for an owners license pursuant to this Act and the
2 rules of the Board. From the effective date of this amendatory
3 Act of the 95th General Assembly until (i) 3 years after the
4 effective date of this amendatory Act of the 95th General
5 Assembly, (ii) the date any organization licensee begins to
6 operate a slot machine or video game of chance under the
7 Illinois Horse Racing Act of 1975 or this Act, (iii) the date
8 that payments begin under subsection (c-5) of Section 13 of the
9 Act, or (iv) the wagering tax imposed under Section 13 of this
10 Act is increased by law to reflect a tax rate that is at least
11 as stringent or more stringent than the tax rate contained in
12 subsection (a-3) of Section 13, whichever occurs first, as a
13 condition of licensure and as an alternative source of payment
14 for those funds payable under subsection (c-5) of Section 13 of
15 the Riverboat Gambling Act, any owners licensee that holds or
16 receives its owners license on or after the effective date of
17 this amendatory Act of the 94th General Assembly, other than an
18 owners licensee operating a riverboat with adjusted gross
19 receipts in calendar year 2004 of less than \$200,000,000, must
20 pay into the Horse Racing Equity Trust Fund, in addition to any
21 other payments required under this Act, an amount equal to 3%
22 of the adjusted gross receipts received by the owners licensee.
23 The payments required under this Section shall be made by the
24 owners licensee to the State Treasurer no later than 3:00
25 o'clock p.m. of the day after the day when the adjusted gross
26 receipts were received by the owners licensee. A person, firm

1 or corporation is ineligible to receive an owners license if:

2 (1) the person has been convicted of a felony under the
3 laws of this State, any other state, or the United States;

4 (2) the person has been convicted of any violation of
5 Article 28 of the Criminal Code of 1961 or the Criminal
6 Code of 2012, or substantially similar laws of any other
7 jurisdiction;

8 (3) the person has submitted an application for a
9 license under this Act which contains false information;

10 (4) the person is a member of the Board;

11 (5) a person defined in (1), (2), (3) or (4) is an
12 officer, director or managerial employee of the firm or
13 corporation;

14 (6) the firm or corporation employs a person defined in
15 (1), (2), (3) or (4) who participates in the management or
16 operation of gambling operations authorized under this
17 Act;

18 (7) (blank); or

19 (8) a license of the person, firm or corporation issued
20 under this Act, or a license to own or operate gambling
21 facilities in any other jurisdiction, has been revoked.

22 The Board is expressly prohibited from making changes to
23 the requirement that licensees make payment into the Horse
24 Racing Equity Trust Fund without the express authority of the
25 Illinois General Assembly and making any other rule to
26 implement or interpret this amendatory Act of the 95th General

1 Assembly. For the purposes of this paragraph, "rules" is given
2 the meaning given to that term in Section 1-70 of the Illinois
3 Administrative Procedure Act.

4 (b) In determining whether to grant an owners license to an
5 applicant, the Board shall consider:

6 (1) the character, reputation, experience and
7 financial integrity of the applicants and of any other or
8 separate person that either:

9 (A) controls, directly or indirectly, such
10 applicant, or

11 (B) is controlled, directly or indirectly, by such
12 applicant or by a person which controls, directly or
13 indirectly, such applicant;

14 (2) the facilities or proposed facilities for the
15 conduct of riverboat gambling;

16 (3) the highest prospective total revenue to be derived
17 by the State from the conduct of riverboat gambling;

18 (4) the extent to which the ownership of the applicant
19 reflects the diversity of the State by including minority
20 persons, females, and persons with a disability and the
21 good faith affirmative action plan of each applicant to
22 recruit, train and upgrade minority persons, females, and
23 persons with a disability in all employment
24 classifications;

25 (5) the financial ability of the applicant to purchase
26 and maintain adequate liability and casualty insurance;

1 (6) whether the applicant has adequate capitalization
2 to provide and maintain, for the duration of a license, a
3 riverboat;

4 (7) the extent to which the applicant exceeds or meets
5 other standards for the issuance of an owners license which
6 the Board may adopt by rule; and

7 (8) The amount of the applicant's license bid.

8 (c) Each owners license shall specify the place where
9 riverboats shall operate and dock.

10 (d) Each applicant shall submit with his application, on
11 forms provided by the Board, 2 sets of his fingerprints.

12 (e) The Board may issue up to 10 licenses authorizing the
13 holders of such licenses to own riverboats. In the application
14 for an owners license, the applicant shall state the dock at
15 which the riverboat is based and the water on which the
16 riverboat will be located. The Board shall issue 5 licenses to
17 become effective not earlier than January 1, 1991. Three of
18 such licenses shall authorize riverboat gambling on the
19 Mississippi River, or, with approval by the municipality in
20 which the riverboat was docked on August 7, 2003 and with Board
21 approval, be authorized to relocate to a new location, in a
22 municipality that (1) borders on the Mississippi River or is
23 within 5 miles of the city limits of a municipality that
24 borders on the Mississippi River and (2), on August 7, 2003,
25 had a riverboat conducting riverboat gambling operations
26 pursuant to a license issued under this Act; one of which shall

1 authorize riverboat gambling from a home dock in the city of
2 East St. Louis. One other license shall authorize riverboat
3 gambling on the Illinois River south of Marshall County. The
4 Board shall issue one additional license to become effective
5 not earlier than March 1, 1992, which shall authorize riverboat
6 gambling on the Des Plaines River in Will County. The Board may
7 issue 4 additional licenses to become effective not earlier
8 than March 1, 1992. In determining the water upon which
9 riverboats will operate, the Board shall consider the economic
10 benefit which riverboat gambling confers on the State, and
11 shall seek to assure that all regions of the State share in the
12 economic benefits of riverboat gambling.

13 In granting all licenses, the Board may give favorable
14 consideration to economically depressed areas of the State, to
15 applicants presenting plans which provide for significant
16 economic development over a large geographic area, and to
17 applicants who currently operate non-gambling riverboats in
18 Illinois. The Board shall review all applications for owners
19 licenses, and shall inform each applicant of the Board's
20 decision. The Board may grant an owners license to an applicant
21 that has not submitted the highest license bid, but if it does
22 not select the highest bidder, the Board shall issue a written
23 decision explaining why another applicant was selected and
24 identifying the factors set forth in this Section that favored
25 the winning bidder.

26 In addition to any other revocation powers granted to the

1 Board under this Act, the Board may revoke the owners license
2 of a licensee which fails to begin conducting gambling within
3 15 months of receipt of the Board's approval of the application
4 if the Board determines that license revocation is in the best
5 interests of the State.

6 (f) The first 10 owners licenses issued under this Act
7 shall permit the holder to own up to 2 riverboats and equipment
8 thereon for a period of 3 years after the effective date of the
9 license. Holders of the first 10 owners licenses must pay the
10 annual license fee for each of the 3 years during which they
11 are authorized to own riverboats.

12 (g) Except as provided in Section 13.05, upon ~~Upon~~ the
13 termination, expiration, or revocation of each of the first 10
14 licenses, which shall be issued for a 3 year period, all
15 licenses are renewable annually upon payment of the fee and a
16 determination by the Board that the licensee continues to meet
17 all of the requirements of this Act and the Board's rules.
18 However, for licenses renewed on or after May 1, 1998, renewal
19 shall be for a period of 4 years, unless the Board sets a
20 shorter period.

21 (h) An owners license shall entitle the licensee to own up
22 to 2 riverboats. A licensee shall limit the number of gambling
23 participants to 1,200 for any such owners license. A licensee
24 may operate both of its riverboats concurrently, provided that
25 the total number of gambling participants on both riverboats
26 does not exceed 1,200. Riverboats licensed to operate on the

1 Mississippi River and the Illinois River south of Marshall
2 County shall have an authorized capacity of at least 500
3 persons. Any other riverboat licensed under this Act shall have
4 an authorized capacity of at least 400 persons.

5 (i) A licensed owner is authorized to apply to the Board
6 for and, if approved therefor, to receive all licenses from the
7 Board necessary for the operation of a riverboat, including a
8 liquor license, a license to prepare and serve food for human
9 consumption, and other necessary licenses. All use, occupation
10 and excise taxes which apply to the sale of food and beverages
11 in this State and all taxes imposed on the sale or use of
12 tangible personal property apply to such sales aboard the
13 riverboat.

14 (j) The Board may issue or re-issue a license authorizing a
15 riverboat to dock in a municipality or approve a relocation
16 under Section 11.2 only if, prior to the issuance or
17 re-issuance of the license or approval, the governing body of
18 the municipality in which the riverboat will dock has by a
19 majority vote approved the docking of riverboats in the
20 municipality. The Board may issue or re-issue a license
21 authorizing a riverboat to dock in areas of a county outside
22 any municipality or approve a relocation under Section 11.2
23 only if, prior to the issuance or re-issuance of the license or
24 approval, the governing body of the county has by a majority
25 vote approved of the docking of riverboats within such areas.

26 (Source: P.A. 96-1392, eff. 1-1-11; 97-1150, eff. 1-25-13.)

1 (230 ILCS 10/13.05 new)

2 Sec. 13.05. Withholding for support from gaming winnings;
3 penalty for failure.

4 (a) A licensed owner shall withhold moneys from winnings on
5 games as provided in Section 56 of the Income Withholding for
6 Support Act.

7 (b) If a licensed owner, or an employee, agent, or
8 representative of a licensed owner acting on the licensed
9 owner's behalf, fails to withhold, from winnings otherwise
10 payable to an individual, an amount representing delinquent
11 child support as required under Section 56 of the Income
12 Withholding for Support Act, the owner's license is not
13 renewable under subsection (g) of Section 7 upon its
14 expiration, but the owner must instead apply for a new license
15 as provided in Sections 6 and 7.

16 Section 15. The Fish and Aquatic Life Code is amended by
17 changing Section 20-5 as follows:

18 (515 ILCS 5/20-5) (from Ch. 56, par. 20-5)

19 Sec. 20-5. Necessity of license; exemptions.

20 (a) Any person taking or attempting to take any fish,
21 including minnows for commercial purposes, turtles, mussels,
22 crayfish, or frogs by any means whatever in any waters or lands
23 wholly or in part within the jurisdiction of the State,

1 including that part of Lake Michigan under the jurisdiction of
2 this State, shall first obtain a license to do so, and shall do
3 so only during the respective periods of the year when it shall
4 be lawful as provided in this Code. Individuals under 16, blind
5 or disabled residents, or individuals fishing at fee fishing
6 areas licensed by the Department, however, may fish with sport
7 fishing devices without being required to have a license. For
8 the purpose of this Section an individual is blind or disabled
9 if that individual has a Class 2 disability as defined in
10 Section 4A of the Illinois Identification Card Act. For
11 purposes of this Section an Illinois Person with a Disability
12 Identification Card issued under the Illinois Identification
13 Card Act indicating that the individual named on the card has a
14 Class 2 disability shall be adequate documentation of a
15 disability.

16 (b) A courtesy non-resident sport fishing license or stamp
17 may be issued at the discretion of the Director, without fee,
18 to (i) any individual officially employed in the wildlife and
19 fish or conservation department of another state or of the
20 United States who is within the State to assist or consult or
21 cooperate with the Director or (ii) the officials of other
22 states, the United States, foreign countries, or officers or
23 representatives of conservation organizations or publications
24 while in the State as guests of the Governor or Director.

25 (c) The Director may issue special fishing permits without
26 cost to groups of hospital patients or handicapped individuals

1 for use on specified dates in connection with supervised
2 fishing for therapy.

3 (d) Veterans who, according to the determination of the
4 Veterans' Administration as certified by the Department of
5 Veterans' Affairs, are at least 10% disabled with
6 service-related disabilities or in receipt of total disability
7 pensions may fish with sport fishing devices during those
8 periods of the year it is lawful to do so without being
9 required to have a license, on the condition that their
10 respective disabilities do not prevent them from fishing in a
11 manner which is safe to themselves and others.

12 (e) Each year the Director may designate a period, not to
13 exceed 4 days in duration, when sport fishermen may fish waters
14 wholly or in part within the jurisdiction of the State,
15 including that part of Lake Michigan under the jurisdiction of
16 the State, and not be required to obtain the license or stamp
17 required by subsection (a) of this Section, Section 20-10 or
18 subsection (a) of Section 20-55. The term of any such period
19 shall be established by administrative rule. This subsection
20 shall not apply to commercial fishing.

21 (f) The Director may issue special fishing permits without
22 cost for a group event, restricted to specific dates and
23 locations if it is determined by the Department that the event
24 is beneficial in promoting sport fishing in Illinois.

25 (g) In cases where the Department of Healthcare and Family
26 Services has previously determined that a licensee or a

1 potential licensee under this Code is more than 30 days
2 delinquent in the payment of child support and has subsequently
3 certified the delinquency to the Department of Natural
4 Resources, the Department of Natural Resources may refuse to
5 issue or renew or may revoke or suspend that person's license
6 or stamp based solely upon the certification of delinquency
7 made by the Department of Healthcare and Family Services. In
8 cases where a licensee or potential licensee is certified by a
9 court as being in violation of the Non-Support Punishment Act
10 for more than 60 days, the Department of Natural Resources
11 shall refuse to issue or renew or shall revoke or suspend that
12 person's license or stamp.

13 The Department may, however, issue or renew a license or
14 stamp if the person has established a satisfactory repayment
15 record as determined by the Department of Healthcare and Family
16 Services or if the person is determined by the court to be in
17 compliance with the Non-Support Punishment Act.

18 (Source: P.A. 97-1064, eff. 1-1-13.)

19 Section 20. The Wildlife Code is amended by changing
20 Section 3.1 as follows:

21 (520 ILCS 5/3.1) (from Ch. 61, par. 3.1)

22 Sec. 3.1. License and stamps required.

23 (a) Before any person shall take or attempt to take any of
24 the species protected by Section 2.2 for which an open season

1 is established under this Act, he shall first have procured and
2 possess a valid hunting license, except as provided in Section
3 3.1-5 of this Code.

4 Before any person 16 years of age or older shall take or
5 attempt to take any bird of the species defined as migratory
6 waterfowl by Section 2.2, including coots, he shall first have
7 procured a State Migratory Waterfowl Stamp.

8 Before any person 16 years of age or older takes, attempts
9 to take, or pursues any species of wildlife protected by this
10 Code, except migratory waterfowl, coots, and hand-reared birds
11 on licensed game breeding and hunting preserve areas and state
12 controlled pheasant hunting areas, he or she shall first obtain
13 a State Habitat Stamp. Disabled veterans and former prisoners
14 of war shall not be required to obtain State Habitat Stamps.
15 Any person who obtained a lifetime license before January 1,
16 1993, shall not be required to obtain State Habitat Stamps.
17 Income from the sale of State Furbearer Stamps and State
18 Pheasant Stamps received after the effective date of this
19 amendatory Act of 1992 shall be deposited into the State
20 Furbearer Fund and State Pheasant Fund, respectively.

21 Before any person 16 years of age or older shall take,
22 attempt to take, or sell the green hide of any mammal of the
23 species defined as fur-bearing mammals by Section 2.2 for which
24 an open season is established under this Act, he shall first
25 have procured a State Habitat Stamp.

26 (b) Before any person who is a non-resident of the State of

1 Illinois shall take or attempt to take any of the species
2 protected by Section 2.2 for which an open season is
3 established under this Act, he shall, unless specifically
4 exempted by law, first procure a non-resident license as
5 provided by this Act for the taking of any wild game.

6 Before a nonresident shall take or attempt to take
7 white-tailed deer, he shall first have procured a Deer Hunting
8 Permit as defined in Section 2.26 of this Code.

9 Before a nonresident shall take or attempt to take wild
10 turkeys, he shall have procured a Wild Turkey Hunting Permit as
11 defined in Section 2.11 of this Code.

12 (c) The owners residing on, or bona fide tenants of, farm
13 lands and their children, parents, brothers, and sisters
14 actually permanently residing on their lands shall have the
15 right to hunt any of the species protected by Section 2.2 upon
16 their lands and waters without procuring hunting licenses; but
17 the hunting shall be done only during periods of time and with
18 devices and by methods as are permitted by this Act. Any person
19 on active duty with the Armed Forces of the United States who
20 is now and who was at the time of entering the Armed Forces a
21 resident of Illinois and who entered the Armed Forces from this
22 State, and who is presently on ordinary or emergency leave from
23 the Armed Forces, and any resident of Illinois who is disabled
24 may hunt any of the species protected by Section 2.2 without
25 procuring a hunting license, but the hunting shall be done only
26 during such periods of time and with devices and by methods as

1 are permitted by this Act. For the purpose of this Section a
2 person is disabled when that person has a Type 1 or Type 4,
3 Class 2 disability as defined in Section 4A of the Illinois
4 Identification Card Act. For purposes of this Section, an
5 Illinois Person with a Disability Identification Card issued
6 pursuant to the Illinois Identification Card Act indicating
7 that the person named has a Type 1 or Type 4, Class 2
8 disability shall be adequate documentation of the disability.

9 (d) A courtesy non-resident license, permit, or stamp for
10 taking game may be issued at the discretion of the Director,
11 without fee, to any person officially employed in the game and
12 fish or conservation department of another state or of the
13 United States who is within the State to assist or consult or
14 cooperate with the Director; or to the officials of other
15 states, the United States, foreign countries, or officers or
16 representatives of conservation organizations or publications
17 while in the State as guests of the Governor or Director. The
18 Director may provide to nonresident participants and official
19 gunners at field trials an exemption from licensure while
20 participating in a field trial.

21 (e) State Migratory Waterfowl Stamps shall be required for
22 those persons qualifying under subsections (c) and (d) who
23 intend to hunt migratory waterfowl, including coots, to the
24 extent that hunting licenses of the various types are
25 authorized and required by this Section for those persons.

26 (f) Registration in the U.S. Fish and Wildlife Migratory

1 Bird Harvest Information Program shall be required for those
2 persons who are required to have a hunting license before
3 taking or attempting to take any bird of the species defined as
4 migratory game birds by Section 2.2, except that this
5 subsection shall not apply to crows in this State or
6 hand-reared birds on licensed game breeding and hunting
7 preserve areas, for which an open season is established by this
8 Act. Persons registering with the Program must carry proof of
9 registration with them while migratory bird hunting.

10 The Department shall publish suitable prescribed
11 regulations pertaining to registration by the migratory bird
12 hunter in the U.S. Fish and Wildlife Service Migratory Bird
13 Harvest Information Program.

14 (g) In cases where the Department of Healthcare and Family
15 Services has previously determined that a licensee or a
16 potential licensee under this Section is more than 30 days
17 delinquent in the payment of child support and has subsequently
18 certified the delinquency to the Department of Natural
19 Resources, the Department of Natural Resources may refuse to
20 issue or renew or may revoke or suspend that person's license
21 or stamp based solely upon the certification of delinquency
22 made by the Department of Healthcare and Family Services. In
23 cases where a licensee or potential licensee is certified by a
24 court as being in violation of the Non-Support Punishment Act
25 for more than 60 days, the Department of Natural Resources
26 shall refuse to issue or renew or shall revoke or suspend that

1 person's license or stamp.

2 The Department may, however, issue or renew a license or
3 stamp if the person has established a satisfactory repayment
4 record as determined by the Department of Healthcare and Family
5 Services or if the person is determined by the court to be in
6 compliance with the Non-Support Punishment Act.

7 (Source: P.A. 96-1226, eff. 1-1-11; 97-1064, eff. 1-1-13.)

8 Section 25. The Non-Support Punishment Act is amended by
9 changing Section 50 as follows:

10 (750 ILCS 16/50)

11 Sec. 50. Community service; work alternative program.

12 (a) In addition to any other penalties imposed against an
13 offender under this Act, the court may order the offender to
14 perform community service for not less than 30 and not more
15 than 120 hours per month, if community service is available in
16 the jurisdiction and is funded and approved by the county board
17 of the county where the offense was committed. In addition,
18 whenever any person is placed on supervision for committing an
19 offense under this Act, the supervision shall be conditioned on
20 the performance of the community service.

21 (b) In addition to any other penalties imposed against an
22 offender under this Act, the court may sentence the offender to
23 service in a work alternative program administered by the
24 sheriff. The conditions of the program are that the offender

1 obtain or retain employment and participate in a work
2 alternative program administered by the sheriff during
3 non-working hours. A person may not be required to participate
4 in a work alternative program under this subsection if the
5 person is currently participating in a work program pursuant to
6 another provision of this Act, Section 10-11.1 of the Illinois
7 Public Aid Code, Section 505.1 of the Illinois Marriage and
8 Dissolution of Marriage Act, or Section 15.1 of the Illinois
9 Parentage Act of 1984.

10 (c) In addition to any other penalties imposed against an
11 offender under this Act, the court may order, in cases where
12 the offender has been in violation of this Act for 90 days or
13 more, that the offender's Illinois driving privileges be
14 suspended until the court determines that the offender is in
15 compliance with this Act.

16 The court may determine that the offender is in compliance
17 with this Act if the offender has agreed (i) to pay all
18 required amounts of support and maintenance as determined by
19 the court or (ii) to the garnishment of his or her income for
20 the purpose of paying those amounts.

21 The court may also order that the offender be issued a
22 family financial responsibility driving permit that would
23 allow limited driving privileges for employment and medical
24 purposes in accordance with Section 7-702.1 of the Illinois
25 Vehicle Code. The clerk of the circuit court shall certify the
26 order suspending the driving privileges of the offender or

1 granting the issuance of a family financial responsibility
2 driving permit to the Secretary of State on forms prescribed by
3 the Secretary. Upon receipt of the authenticated documents, the
4 Secretary of State shall suspend the offender's driving
5 privileges until further order of the court and shall, if
6 ordered by the court, subject to the provisions of Section
7 7-702.1 of the Illinois Vehicle Code, issue a family financial
8 responsibility driving permit to the offender.

9 (d) If the court determines that the offender has been in
10 violation of this Act for more than 60 days, the court may
11 determine whether the offender has applied for or been issued a
12 professional license by the Department of Professional
13 Regulation or another licensing agency. If the court determines
14 that the offender has applied for or been issued such a
15 license, the court may certify to the Department of
16 Professional Regulation or other licensing agency that the
17 offender has been in violation of this Act for more than 60
18 days so that the Department or other agency may take
19 appropriate steps with respect to the license or application as
20 provided in Section 10-65 of the Illinois Administrative
21 Procedure Act and Section 2105-15 of the Department of
22 Professional Regulation Law of the Civil Administrative Code of
23 Illinois. The court may take the actions required under this
24 subsection in addition to imposing any other penalty authorized
25 under this Act.

26 (e) If the court determines that the offender has been in

1 violation of this Act for more than 60 days, the court may
2 determine whether the offender has applied for or been issued a
3 license or stamp by the Department of Natural Resources under
4 the Fish and Aquatic Life Code or the Wildlife Code. If the
5 court determines that the offender has applied for or been
6 issued such a license or stamp, the court may certify to the
7 Department of Natural Resources that the offender has been in
8 violation of this Act for more than 60 days so that the
9 Department or other agency may take appropriate steps with
10 respect to the license or application as provided in Section
11 20-5 of the Fish and Aquatic Life Code and Section 3.1 of the
12 Wildlife Code. The court may take the actions required under
13 this subsection in addition to imposing any other penalty
14 authorized under this Act.

15 (Source: P.A. 91-613, eff. 10-1-99; 92-651, eff. 7-11-02.)

16 Section 30. The Income Withholding for Support Act is
17 amended by adding Section 56 as follows:

18 (750 ILCS 28/56 new)

19 Sec. 56. Withholding from gaming winnings.

20 (a) Delinquency information. The Department of Healthcare
21 and Family Services shall provide to each organization licensee
22 under the Illinois Horse Racing Act of 1975 and each licensed
23 owner under the Riverboat Gambling Act information concerning
24 all individuals who are identified in the State Case Registry

1 established pursuant to Section 10-27 of the Illinois Public
2 Aid Code and who have been determined to be delinquent in the
3 payment of child support. The information made available to a
4 licensee under this Section about each individual obligor who
5 has been determined to be delinquent in the payment of child
6 support shall include appropriate information to identify the
7 individual, the amount of the delinquency, and other
8 information necessary for the organization licensee or
9 licensed owner to remit payment of withheld amounts to the
10 Department of Healthcare and Family Services as provided in
11 this Section.

12 (b) Licensee's withholding obligations. If an organization
13 licensee or an employee of an organization licensee under the
14 Illinois Horse Racing Act of 1975, or a licensed owner or an
15 employee of a licensed owner under the Riverboat Gambling Act,
16 disburses winnings from wagers or a jackpot, exchange chips,
17 tokens, or vouchers (hereinafter, collectively, "cash
18 winnings") in the amount of \$1,200 or more to a person
19 identified pursuant to this Section in the State Case Registry
20 as being delinquent in child support, the organization
21 licensee, licensed owner, or employee:

22 (1) may deduct and retain an administrative fee in the
23 amount of 5% of the amount of delinquent child support
24 withheld under this Section or \$250, whichever is less;

25 (2) shall withhold the amount of delinquent child
26 support owed or so much of the delinquent child support

1 owed that is collectible from the winnings;

2 (3) shall transmit to the Department of Healthcare and
3 Family Services, within 7 business days after the date the
4 cash winnings were paid or claimed: the amount withheld
5 under this Section; identifying information, including the
6 full name, address, and social security number of the
7 obligor and the child support case identifier; the date and
8 amount of the cash winnings and the amount withheld; and
9 the name, location, and contact information of the
10 licensee; and

11 (4) shall issue to the obligor a receipt, in a form
12 prescribed by the Department of Healthcare and Family
13 Services, stating the total amount withheld from the cash
14 winnings for delinquent child support and the
15 administrative fee.

16 (c) Notice to obligor. The Department of Healthcare and
17 Family Services shall provide written notice to the obligor, at
18 the address provided by the organization licensee or licensed
19 owner, that the Department intends to offset the obligor's
20 delinquent child support with some or all of his or her cash
21 winnings. The Department shall hold the amount withheld from
22 the obligor's cash winnings for 10 business days after sending
23 the written notice to the obligor before applying the amount as
24 payment toward the obligor's delinquent child support.

25 (d) The delinquent child support required to be withheld
26 under this Section and the administrative fee authorized under

1 this Section have priority over any secured or unsecured claim
2 on cash winnings, except claims for federal or State taxes that
3 are required to be withheld under federal or State law.

4 (e) Administrative appeal. The obligor may dispute the
5 notice in subsection (c), as provided in Sections 10-12, 10-13,
6 and 10-14 of the Illinois Public Aid Code and Sections 160.60
7 and 160.61 of Title 89 of the Illinois Administrative Code.

8 (f) Enforcement. The Department of Healthcare and Family
9 Services and the Illinois Gaming Board shall provide for
10 enforcement of this Section by rule.

11 (g) Immunity. An organization licensee or licensed owner is
12 immune from civil or criminal liability for acting in
13 conformity with this Section or the rules applicable to a
14 licensee under this Section.

1 INDEX

2 Statutes amended in order of appearance

3 230 ILCS 5/27.2 new

4 230 ILCS 10/7 from Ch. 120, par. 2407

5 230 ILCS 10/13.05 new

6 515 ILCS 5/20-5 from Ch. 56, par. 20-5

7 520 ILCS 5/3.1 from Ch. 61, par. 3.1

8 750 ILCS 16/50

9 750 ILCS 28/56 new